IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12356 of 2004

Between:

S. Baleswaraiah E. 280603, S/o S. Buddanna,
R/o Shadnagar, Mahaboobnagar District.

..... PETITIONER

AND

1 The Secretary to Government, Labour Department, Government of A.P.,
Secretariat Buildings, Hyderabad.
2 The APSRTC, rep. by its Managing Director,
Musheerabad, Hyderabad.
3 The Depot Manager, APSRTC, Shadnagar Depot, Shadnagar,
Mahaboobnagar District.
4 The Asst. Manager (E), APSRTC, O/o the Regional Manager, APSRTC,
Mahaboobnagar Region, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the Nature of writ of Mandamus, declaring the action of the respondents not following the Andhra Pradesh Departmental Inquiries Enforcement of Attendance of witness and Production of Documents Act, 1993 and nominating the 4th respondent Asst. Manager (E) as enquiry officer in his proceedings No. 02/95(41) /2004-SDNR dt. 25-5-2004 who is not having the knowledge of powers of Civil Court under the Code of Civil Procedure, 1908 while trying a suit and the knowledge of Code of Criminal Procedure, 1973 to conduct the Departmental Enquiry as per the provisions of law in the matters of namely summoning and enforcing the attendance of witness and examining them on Oath and receiving evidences on affidavit and calling the public record from any office as illegal, arbitrary and against the principles of Natural Justice and contrary to the law and set aside the proceedings of the 3rd respondent

No. 02/95(41)/2004-SDNR dt. 25-3-2004, consequently direct the 1st respondent to appoint the competent enquirying authority as per law.

Counsel for the Petitioner:MR.S.A.K.MYNUDDIN (Not present)

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent Nos. 2 to 4: Mr.P.Vinayaka Swamy, STANDING COUNSEL FOR APSRTC

The Court made the following :

ORDER:

None appears for the petitioner when the matter came up for hearing before this Court on 6.12.2004. Therefore, the matter is posted today for orders. Today also none appears for the petitioner.

Challenging the action of the respondents by not following the Andhra Pradesh Departmental Inquiries Enforcement of Attendance of Witnesses and Production of Documents Act, 1993 in nominating the 4th respondent as enquiry officer vide proceedings No.02/95(41)/2004-SDNR dated 25.5.2004, the present writ petition is filed.

It is for the enquiry officer to take appropriate decision for summoning the witnesses. It is also alleged that the enquiry officer is not having the knowledge of powers of the Civil Court. The competence of the enquiry officer cannot be challenged because no specific allegation is leveled against the enquiry officer, with regard to his competence.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed at the stage of admission. No costs.

08.12.2004

bsv

To

1 The Secretary to Government, Labour Department, Government of A.P., Secretariat Buildings, Hyderabad.
2 The Managing Director, APSRTC, Musheerabad, Hyderabad.
3 The Depot Manager, APSRTC, Shadnagar Depot, Shadnagar, Mahaboobnagar District.
4 The Asst. Manager (E), APSRTC, O/o the Regional Manager, APSRTC, Mahaboobnagar Region, Mahaboobnagar District.

5 . 2 CCs to Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

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